IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

W.P.M.P.NO.26600 OF 2004

AND

WRIT PETITION NO : 18470 of 2004

WRIT PETITION NO : 18470 of 2004

Between:

M.Munirathnam, S/o Late M. Pedda Munaiah,
r/o Agraharam Village, Pakala Post, Chittoor District.

..... PETITIONER

AND

The Registrar, S.V. Venkateswara University, Tirupathi, Chittoor District, Andhra Pradesh.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Council Resolution CI dated 4-10-2002 and communicated the petitioner under letter dated 30-10-2002 in ROC.CIIB/B.Tech/95 is illegal, arbitrary and violative of Article 14 of the Constitution of India apart from the Principles of Natural Justice.

W.P.M.P.NO.26600 OF 2004

Between:

M.Munirathnam, S/o Late M. Pedda Munaiah,
r/o Agraharam Village, Pakala Post, Chittoor District.

..... PETITIONER

AND

1. The Registrar, S.V. Venkateswara University, Tirupathi, Chittoor District, Andhra Pradesh.

2. The Chairman, Board of Technical Education, Southern Region, Bangalore.

.....RESPONDENTS

Petition under Rule 16-A of Writ Rules praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to implead the Chairman, Board of Technical Education, Southern Region, Bangalore as 2nd respondent in the above writ petition.

Counsel for the Petitioner:MR.M.DORAI RAJ

Counsel for the Respondent No.1: MR.R.V.CHALAPATHI

The Court, at the stage of admission, made the following :

ORDER

When the matter was taken up for hearing on 10.11.2004 since none represented the petitioner, this Court dismissed the writ petition. In the order dated 10.11.2004 it was observed that the matter was adjourned twice earlier, at the request of the learned counsel for the petitioner, and on third time, on 27.10.2004 when the learned counsel made a representation that he will implead the All India Council for Technical Education (AICTC) as a party to the writ petition, it was adjourned on that day. As none represented on 10.11.2004 nor any imleading petition was in the file, this Court dismissed the writ petition observing that by the impugned letter of the respondent dated 30.10.2002 the petitioner was informed that in view of the resolution passed by the Executive Council at its meeting held on 4.10.2002 petitioner's request to continue studies and complete the B.Tech course cannot be complied as he could not complete the course within eight years from the date of his joining the course since as per the regulations issued by AICTC, a candidate has to complete the course within a period of eight years from the date of his joining in the first year. It was also observed that in the absence of challenging the AICTE regulations, the writ petition cannot be entertained.

After passing the above order, office brought to the notice of this Court that an application in WPMP No.26600 of 2004 was filed to implead AICTE as a party in the writ petition. But the petitioner did not choose to challenge the regulations nor the learned counsel represented even today. In view of the same, even if the implead petition is allowed, unless the rule is challenged, no relief can be granted to the petitioner.

The WPMP and the writ petition are accordingly dismissed. No costs.

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A. GOPAL REDDY. J.

25th November, 2004

tsr.

To

1 The Registrar, S.V. Venkateswara University, Tirupathi, Chittoor District, Andhra Pradesh

2 Two C.D. copies.